AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 05, 2016

SEAN F. MCAVOY, CLERK

United States of America
v.
MICHELLE FUNG
CARLOS MARTINEZ

Defendant

Case No. 1:16-MJ-04170-1
1:16-MJ-04170-2

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 07/15/2016 in the county of Yakima in the Eastern District of Washington, the defendant violated 21 U. S. C. § 841 & 846, an offense described as follows:

did knowingly and intentionally conspire to distribute Methamphetamine and Cocaine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

☑ Continued on the attached sheet.

Complainant's signature

Michael Mervos, DEA Special Agent
Printed name and title

☑ Sworn to telephonically and signed electronically.

☐ Sworn to before me and signed in my presence.

Date: 8/5/2016

M.K. Dimke
Judge's signature

City and state: Yakima, Washington

MARY K. DIMKE, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

Your Affiant, Michael Mervos, being duly sworn, deposes and states as follows:

1. In February 2016, the Orange County Resident Office (OCRO), Group 2, initiated an investigation into a Drug Trafficking Organization (DTO) based in Canada in conjunction with the Calgary Police Service (CPS). This DTO had been implicated in at least two drug-related murders in the Calgary area. This DTO operated throughout Canada and had ties to the Dominican Republic, Mexico, the Sinaloan cartel and various localities in the United States. This DTO was also affiliated with several gangs in Canada, to include the Hells Angels and an Asian gang called the FOB KILLERS out of the Vancouver area.

2. In July 2016, a Confidential Source (here-after referred to as a "CS") was approached by this DTO and asked to transport approximately 15 kilograms of cocaine from the Sunnyside, WA area to Calgary, Alberta, Canada. The request to the CS was made by Ricco KING, a Canadian citizen and one of the main targets of this DTO investigation. The CS is a paid informant. The CS has a one prior drug trafficking conviction. The CS has misdemeanor convictions from Canada.

3. Upon receiving this information, agents from the OCRO contacted the Tri-Cities Task Force Group D-34 and requested their assistance in executing an operation against this DTO.

4. Agents from the DEA Tri-Cities Task Force Group made contact with the CS and developed a plan to intercept and seize the anticipated transportation of 15 kilograms of cocaine orchestrated by KING.

5. On July 15, 2016 at approx. 9:14 a.m., two subjects identified as Carlos MARTINEZ and Michelle FUNG, arrived at the Sunnyside Airport, located at 3312 East Edison Road, Sunnyside, WA in a gray Honda Civic bearing British Columbia plate 310MWR. MARTINEZ and FUNG parked their vehicle in an area with limited access across from the airport's tarmac. As the CS's plane was descending at the Sunnyside Municipal Airport, the CS received a series of text messages from KING that stated, "Grey Honda they are there by gate!! 778 223 8466 this is guy at gate and boss!! Your name is John". A following text message from KING stated, "His name is primo!! Have fun and I'll see u on the other side". At that time, the CS had forwarded these text messages to SA Mervos and had also forwarded a text message with a phone number of (360) 255-1704. This number was also sent to the CS by KING via text message. It was later discovered by agents that FUNG was in possession of an iphone with a number of (778) 223-8466 and MARTINEZ was in possession of a Tracfone with a number of (360) 255-1704.

6. The CS's plane landed at the Sunnyside Municipal Airport and taxied toward the area where MARTINEZ and FUNG had parked their Honda. FUNG was observed by surveillance retrieving a black duffel bag from inside the vehicle's trunk. Surveillance then observed CS walk to MARTINEZ and FUNG's vehicle. According to the CS, FUNG asked the CS if his/her name was "John". The CS stated he/she told FUNG, "Yes" and asked if the male in the vehicle was "Primo". The CS stated FUNG replied, "Yes" and asked the CS for the "weybill number" (this was a secret number referred to as a "weybill" provided to both the CS, MARTINEZ, and FUNG by KING to verify the provider and the recipient were the correct persons involved in the narcotic transaction) . The CS stated he/she provided FUNG with the "weybill" number "ZX765". The CS stated FUNG showed the CS a piece of paper that had the same hand-written number (later collected as evidence). FUNG then handed the black duffel bag to the CS. The CS

stated MARTINEZ remained in the vehicle and didn't engage in conversation with the CS. The CS carried the duffel bag back toward the CS plane and MARTINEZ and FUNG drove away from the airport.

7. Agents contacted the CS and observed eleven kilogram type pressed block packages of suspected cocaine and three "burrito" shaped packages of suspected methamphetamine in the black duffel bag. Agents recovered the narcotics from the CS. A Yakima County Sheriff Deputy conducted a traffic stop on the Honda and arrested MARTINEZ and FUNG approximately one-mile from the airport. A Yakima County Sheriff narcotic detection canine was deployed and alerted to the trunk area of the Honda. Both MARTINEZ and FUNG denied any illegal drugs were in their vehicle at any time. Both MARTINEZ and FUNG claimed to be on vacation. Yakima County Sheriff Deputy obtained a search warrant for the Honda, but subsequently no other narcotics were located. Both MARTINEZ and FUNG's cellular telephones were seized as evidence.

8. MARTINEZ was Mirandized by agents and waived his rights. MARTINEZ stated that he and FUNG entered the United States from Canada on Thursday, July 14, 2016 for the purpose of shopping. He stated that he and FUNG went to a dance club in Seattle, then stayed the night at a motel. He stated that the next day he and FUNG traveled to Sunnyside, Washington, to see the fruit everyone talks about. He stated that he and FUNG became lost and pulled over at the airport. Shortly thereafter MARTINEZ asked for an attorney. Agents did not ask MARTINEZ any further questions.

9. FUNG was Mirandized by agents and waived her rights agreeing to talk. FUNG initially stated that she did not know anything about the black duffel bag. Later FUNG stated

that she thought the black duffel bag contained sound equipment because her boyfriend MARTINEZ had a business selling sound equipment. FUNG could not explain who the man was that she gave the black duffel bag to at the airport, or how she knew to give the black duffel bag to the man.

10. Both MARTINEZ and FUNG were charged by the state with Delivery of Cocaine and Methamphetamine and they were booked into the Yakima County Jail on the same date.

11. The substances field tested positive for cocaine and methamphetamine. The total weight of the cocaine seized was approximately 14.2 kilograms (31.3 pounds). The total weight for the methamphetamine was approximately 3.2 kilograms (7.0 pounds).

12. Based on the information in this affidavit, I respectfully submit that there is probable cause to believe that Carlos Humberto MARTINEZ and Michelle Wei-Man FUNG committed the following offense: Conspiracy to distribute approximately 14.2 kilograms or more of cocaine and approximately 3.2 kilograms or more of methamphetamine, a controlled substance, in violation of 21 U.S.C. 841(a)(1). Based on my training and experience and on the appearance of the cocaine and methamphetamine in this case, I believe the lab testing would confirm that the seized substance contains 500 grams or more of cocaine and over 50 grams of actual methamphetamine.

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Michael Mervos, Special Agent
United States Drug Enforcement Administration

Subscribed to me electronically and sworn to me telephonically this 5th day of August, 2016.

M.K. Dimke

Honorable Mary K. Dimke
United States Magistrate Judge